

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARIEL ABITTAN,
Plaintiff,

v.

LILY CHAO, and others,
Defendants.

Case No. 20-cv-09340 NC

**ORDER GRANTING PLAINTIFF'S
MOTION FOR VOLUNTARY
DISMISSAL WITHOUT
PREJUDICE**

Re: ECF 201

Presented to the court is Plaintiff Ariel Abittan's motion for voluntary dismissal of this case without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). ECF 201. Defendants oppose dismissal without prejudice. Rather, they contend that the court should either order the dismissal to be with prejudice or with significant conditions attached. ECF 209.

Rule 41(a)(2) provides that except as provided in Rule 41(a)(1), a civil action may be dismissed at the plaintiff's request only by court order, "on terms that the court considers proper." Unless the order states otherwise, a dismissal under this paragraph is without prejudice. Fed. R. Civ. P. 41(a)(2).

The court takes seriously the concerns raised by Defendants that the Plaintiff is engaged in litigation gamesmanship and intends to re-file the case in this or another court. But the court finds that the concerns of future litigation are speculative; that appropriate remedies can be crafted if future litigation is filed; and that the Defendants' proposed conditions would have an immediate consequence of prolonging the costs and complexity of this suit. At bottom, the court finds that the interests of justice are best served by granting Plaintiff's motion for dismissal. Accordingly, the case is dismissed without

prejudice, with each party to pay its own fees and costs. The Clerk of Court will vacate the July 26 hearing and terminate this case.

IT IS SO ORDERED.

Dated: July 24, 2023



NATHANAEL M. COUSINS
United States Magistrate Judge